
Human Services Committee

HB 1281

Brief Description: Addressing the rights of victims, survivors, and witnesses of crimes.

Sponsors: Representatives Hurst, Pearson, Appleton, O'Brien, Goodman, Orcutt, Morrell, Ormsby, Simpson and Orwall.

Brief Summary of Bill

- Allows victims, survivors of victims, and witnesses to make statements to the Indeterminate Sentencing Review Board before the release of an offender under the jurisdiction of the Indeterminate Sentencing Review Board is released.
- Allows victims and survivors of victims to present statements to the Clemency and Pardons Board regarding an application for pardon or commutation of a sentence.

Hearing Date: 1/29/09

Staff: Linda Merelle (786-7092)

Background:

Indeterminate Sentencing Review Board

Washington State's Indeterminate Sentencing Review Board (ISRB) is made up of five members and oversees two different groups of offenders. The first group is made up of offenders who committed their offenses before July 1, 1984. These offenders have indeterminate sentences. This means that the court, at the time of sentencing, set a maximum sentence for the offender. The minimum sentence was set by the ISRB. If the ISRB determines that a person may be released before their maximum sentence, the person is released on parole. The Department of Corrections (DOC) supervises ISRB cases in the community. The community corrections officers report to the ISRB when an offender violates the rules of parole.

The second group that the board oversees is made up of sex offenders. The sex offenders supervised within this group committed their offenses after August 31, 2001, and they have

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"indeterminate-plus" sentences rather than the determinate sentences imposed under the Sentencing Reform Act. This means that the sentencing judge sets a minimum prison term in accordance with the Sentencing Reform Act sentencing guidelines. The maximum term is the statutory maximum term for the specific crime. After the minimum sentence is served, the ISRB determines whether the offender can actually leave prison. If the ISRB decides against release, time is added to the sentence, and a new minimum is set. If the person is released, he or she is placed on community custody. The ISRB holds hearings to determine if an offender has violated the terms of community custody. These offenders are also supervised in the community by the DOC.

Clemency and Pardons Board

The Clemency and Pardons Board receives petitions from individuals, organizations, and the DOC for review and commutation of sentences and pardoning of offenders, and in some instances for the restoration of civil rights. The Clemency and Pardons Board makes recommendations to the Governor.

Rights of Victims, Survivors and Witnesses

The rights of victims, survivors, and witnesses are set forth in statute, but they only apply to criminal court and juvenile court proceedings. For example, some of the rights that victims and witnesses have are the right to receive, at the time of reporting a crime to law enforcement officials, a written statement of the rights of crime victims. They have the right to be informed by law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved. They have the right to receive protection from harm and threats of harm arising out of the cooperation with law enforcement and prosecutor efforts. They have a right to submit a victim impact statement or a report to the court which shall be included in all presentence reports and permanently included in the files and records accompanying the offender. They have the right to present a statement personally or by representation at the sentencing hearing for felony convictions.

Summary of Bill:

Victims, survivors of victims, and witnesses will have a right to make a statement that will be considered by the Indeterminate Sentencing Review Board (or its successor) prior to the granting of post sentence release from confinement. The statements may be made in person, by representation, via audio, videotape, or other electronic means, or in writing. Victims and survivors of victims will have the right to present a statement to the Clemency and Pardons Board. They may use the same means as allowed before the Indeterminate Sentencing Review Board.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 3, relating to the end of sentence review for sex offenders, which takes effect on August 1, 2009.